



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,407	12/08/2004	Dominique Holtzer	979-077	4402

39600 7590 11/21/2006

SOFER & HAROUN LLP.
317 MADISON AVENUE, SUITE 910
NEW YORK, NY 10017

EXAMINER

BEAUCHAINE, MARK J

ART UNIT	PAPER NUMBER
----------	--------------

3653

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/500,407	HOLTZER ET AL.	
	Examiner	Art Unit	
	Mark J. Beauchaine	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,11,12,14-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9,11,12,14-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it fails to comply with 37 CFR 1.52(a)(v) which requires that all papers be "[p]resented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies". A new legible abstract is required.

Claim Objections

Claims 2-5 are objected to because of the following informality:

The term "value of coin" (claim 2, line 3) is improper grammar.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7, 9, 11, 12, 14-16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "several" (claim 1, lines 4 and 19; and claim 18, lines 4, 9 and 11) is ambiguous since the number(s) said term describes is indefinite.

Art Unit: 3653

The term "collecting the second coin . . ." (claim 1, lines 25 and 26) is ambiguous since it is unclear how the first and second coins share the same location. (*Cf.* specification page 4, lines 13-20.)

The term "new coin" (claim 2, line 4) lacks sufficient antecedent bases.

The term "storing the coin" (claim 2, line 2) is ambiguous since it is unclear which coin is being referred to.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9, 12, 14-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number US 6,712,688 B2 by McGinty et al ("McGinty") in view of Patent Number 4,836,825 by Smeets et al ("Smeets"). McGinty discloses a coin storing device containing selector 4 for distinguishing the value of introduced coins, at least one reserve 19 for recycling certain coins, including several mobile locations 41, each location being capable of receiving only one coin of any value (see column 4, lines 37-39), bowl for giving back the coins (i.e., "change receptacle" – see column 3, line 66 through column 4, line 1) and safe (i.e., "cash box" – see column 4, lines 18-21).

The coin storing device of McGinty operates such that first and second introduced coins having first and second different values, respectively, are received via

Art Unit: 3653

input chute 3 and identified via validator 4 (see column 3, lines 34-40). Said device gives back change by transferring one or more coins to the bowl (see column 3, line 62 through column 4, line 1 and column 5, lines 57-63) and stores a coin in the safe instead of the reserve if the reserve is full (see column 4, lines 18-21).

Furthermore, if conditions relating to the value of said first introduced coin and to the predetermined maximum number of coins which have the same value as said coin that are present in the reserve are satisfied, said device collects said first introduced coin into the reserve at any one of said several locations. Furthermore, if conditions relating to the value of the second introduced coin, and to the different predetermined maximum number of coins which have the same value of said coin that are present in the reserve are satisfied, said device collects said coin into the same location into which said first coin was previously stored (see column 4, lines 36-53 and column 8, line 62 through column 9, line 6).

Still further, said device calculates, at a predetermined time interval, the maximum number of coins of each value able to be stored in the reserve (see column 8, lines 47-60) and stores the location and value of the coins in a memory (see column 7, lines 40-44).

McGinty fails to disclose a pre-receptacle. Smeets teaches a coin storing device containing pre-receptacle 5 for the purpose of temporarily storing identified coins prior to distribution to particular storage locations. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the pre-

Art Unit: 3653

receptacle of Smeets into the coin storing device of McGinty for the purpose of temporarily storing identified coins prior to distribution to particular storage locations.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGinty in view of Smeets as applied to claim 6 above, and further in view of Patent Number 5,997,396 by Itako ("Itako"). McGinty/Smeets fails to disclose the act of manually loading the reserve. Itako teaches a coin storage device that is maintained via the act of manually loading reserve 12 (see Abstract, lines 16-20) for the purpose of maintaining the storage device in a fully-charged state. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the manually loading act of Itako into the operation of McGinty/Smeets for the purpose of maintaining the storage device in a fully-charged state.

Response to Arguments

Applicant's arguments with respect to claims 1-7, 9, 11, 12 and 14-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3653

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark J. Beauchaine whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mjb


PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600